UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,010	07/18/2003	Daniel Plastina	MS#303012.01 (5055)	4615

321   7590   09/24/2007

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER
THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
09/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/623,010	PLASTINA ET AL.
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-10,12-14 and 16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10,12-14, and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: RCE filed 07/02/2007.

2.   Claims 1 –3, 5-10, 12-14 and 16 are pending in the case. Claims 1, 8, and 14 are the

independent claims.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-10, 12-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject

matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that

is not tied to a technological art, environment or machine which would result in a practical application producing a

concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

With regard to **claims 8-10, 12-13,** the examiner has searched the specification and the

mediums that are defined in the specification includes media such as a " **modulated data signal,**

such as a carrier wave or other transport mechanism" (paragraph 0030, lines 1-7) that

renders the claims non-statutory subject matter. The support for the medium is found in the

following paragraphs:

[0030] The computer 130 typically has at least some form of computer readable media. Computer readable media, which include both volatile and nonvolatile media, removable and non-removable media, may be any available medium that can be accessed by computer 130. By way of example and not limitation, computer readable media comprise computer storage media and communication media. Computer storage media include volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules, or other data. For example, computer storage media include RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile disks (DVD) or other optical disk storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium that can be used to store the desired information and that can be accessed by computer 130. Communication media typically embody computer readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave or other transport mechanism and include any information delivery media. Those skilled in the art are familiar with the modulated data signal, which has one or more of its characteristics set or changed in such a manner as to encode information in the signal. Wired media, such as a wired network or direct-wired connection, and wireless media, such as acoustic, RF, infrared, and other wireless media, are examples of communication media. Combinations of the any of the above are also included within the scope of computer readable media.

The claims recite a medium and do not differentiate between storage or communications media. Applicant's specification, as noted above, sets forth intrinsic evidence that the medium is intended to include items, which one of ordinary skill in the art would have recognized as propagation, or transmission media, which is a form of energy **(See Para 0033)**. Therefore, consistent wit the MPEP 2106, the claimed subject matter is not currently believed to be limited to that which falls within a statutory category of invention, because it is not limited to a process, machine, manufacture, or composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a device or combination of devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

3.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-3, 5-10, 12-14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodman et al. (hereinafter Goodman0 U.S. Patent No. 6928433 issued Aug. 9, 2005 and filed Jan. 5, 2001.**

It is noted that the present application specification defines a delimiter as the following *(See Para 0024): When multiple properties are stored in a metadata field, the media player application 302 analyzes data stored within the metadata field to identify a property delimiter. The property delimiter is a character or symbol (e.g., ; $, .noteq., or_) used by the media player application to differentiate between multiple properties within a metadata field.* Therefore, in the broadest reasonable interpretation the delimiter can be any character or symbol that separates the metadata fields.

In regard to **Independent claim 1,** Goodman teaches a method for displaying metadata of a media file being stored in a memory, said media file having a first metadata field including a first property data, and having a second metadata field including a second property data, each property data defining a property of the media file, respectively, comprising:

- Identifying a first property category from the first metadata field of the media file; parsing the first property data included in the first metadata field; identifying a property delimiter included in the first property data in the first metadata field, <u>said property delimiter differentiating multiple properties within the first property data and indicating the first property data having multiple properties therewith</u> (See column 2, lines 12-27 and column 4, lines 15-20). Goodman expressly teaches a media player (See figure 8) that displays metadata information (See Title) where the first level categories are displayed in field on the interface and the fields are separated by delimiters (See column 4, lines 15-67) Goodman shows the track type mask that contains metadata such as kTTSong, KTTVoice and kTTBook separated by a delimiter, where the delimiter is a "|". Each of the respective field are parsed as they are separated as attributes and then displayed in the interface (See figure 6 and column 7, lines 15-55).
- Identifying a first property and a second property based on the identified property delimiter from the parsed first property data, wherein the property delimiter separates the

identified first property from the identified second property (Goodman column 4, lines 29-36 and 45-50 and column 11, lines 52-67). Goodman shows a process of associating metadata to a given field on the interface and displaying a first and second property (See figure 8). Goodman shows the delimiter as parsing the category name from the track from the structure (See column 4, lines 15-20).

- Displaying the identified first property category, the identified first property, and the identified second property in hierarchically organized levels via a graphical user interface, wherein the identified property category is displayed as a first level of the hierarchically organized levels, and wherein the identified first property and the identified second property are displayed as a second level of the hierarchically organized levels based on the property delimiter differentiating and indicating presence of the first property data and the second property data (See figure 4, 5, 8, 11) Goodman shows displaying the interface with a hierarchical set of levels based on category where in the first category the title and genre are displayed. Then a given title is chosen and the artist and tracks are displayed. Goodman teaches that other information can be displayed in further levels (See column 6, lines 1-3 and column 10,lines 15-20 and column 7, lines 1-15).

With respect to **dependent claim 2,** Goodman teaches the method wherein the identified first property category identifies a genre category, album category, or an artist category (See column 4, lines 15-67). Goodman specifically shows the first property is a category (See lines 15-20) and that the category can contain an album, artist, or tracks (See column 4, lines 17-21 and column 5,lines 15-21).

With respect to **dependent claim 3,** Goodman teaches the method wherein the identified first property and the identified second property each identify a genre property, an album property, or an artist property (See column 4, lines 17-21 and column 5,lines 15-21). Goodman shows the album, genre and artist properties (See column 6, lines 27-67). Goodman teaches that each category (See column 2, lines 15-22) is displayed (See Figure 8) and that each category structure

includes multiple levels of metadata (See also column 6, lines 1-10).

With respect to **dependent claim 5,** Goodman teaches the method further including modifying

property data included in the metadata field of the media file to modify the identified property

category, the first identified property, or the second identified property being displayed in the

hierarchically organized levels (See Figure 8, Goodman shows copy, paste and cut, delete

features that allow the user to perform operations on the fields in the interface).

With respect to **dependent claim 6,** Goodman teaches the method further including:

identifying a second property category from the second metadata field of the media file; wherein

the second property category is different from the identified first property category; (See column

2, lines 15-21) Goodman shows top level category as album artist, etc and the second property is

the album name and tracks, etc (See figure 11 and Figure 8).

And

parsing the second property data included in the second metadata field to identify a different first

property different than the first property and a different second property different than the second

property, and wherein displaying includes displaying the different first property or the different

second property in a third level of the hierarchically organized levels (See column 4, lines 15-67)

Goodman shows the track type mask that contains metadata such as kTTSong, KTTVoice and

kTTBook separated by a delimiter, where the delimiter is a "|". Each of the respective field are

parsed as they are separated as attributes and then displayed in the interface (See figure 6 and

column 7, lines 15-55).

With respect to **dependent claim 7,** Goodman teaches the method wherein the identified second

property category identifies a genre category, album category, or an artist category (See column

4, lines 17-21 and column 5,lines 15-21). Goodman shows the album, genre and artist properties

(See column 6, lines 27-67). Goodman teaches that each category (See column 2, lines 15-22) is

displayed (See Figure 8) and that each category structure includes multiple levels of metadata

(See also column 6, lines 1-10). The second level categories identify the genre, album, and artist

as these values are artist name, album title and genres (See figure 11 and Figure 8 and column

6, lines 1-13).

In regard to **claims 8-10, 12-13,** claims 8-10, 12-13 reflect the computer readable medium

comprising computer readable instructions for performing the steps of method claims 1-3, 6-7,

respectively, and in further view of the following, are rejected along the same rationale. Goodman

expressly shows the computer readable medium (See column 11, lines 10-32). A processor must

include a computer readable medium to execute instructions and to render a display (See column

6, lines 12-15).

In regard to **claims 14-16,** claims 14-16 reflect the system comprising computer readable

instructions for performing the steps of method claims 1, 6, respectively, and in further view of the

following, are rejected along the same rationale. Goodman expressly shows the system (See

Figure 14 and column 11, lines 10-32).

It is noted that any citation to specific pages, columns, lines, or figures in the prior art
references and any interpretation of the references should not be considered to be limiting in any
way. A reference is relevant for all it contains and may be relied upon for all that it would have
reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-
33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275,
277 (CCPA 1968)).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-3, 5-10, 12-14, and 16 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7136866 and US Publication 20050027687 both teach processes for displaying

in a graphical interface a file containing metadata where the file contains multiple properties and a delimiter can be used to differentiate between the first, second, ..."n" properties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
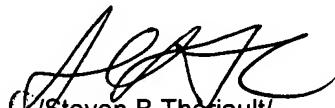
/Steven B Theriault/
Patent Examiner
Art Unit 2179